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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,167	06/21/2001	Takehiro Matsuda	Q65050	3988

7590 04/20/2005

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Washington, DC 20037-3202

EXAMINER

HUBER, PAUL W

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/885,167	Applicant(s) MATSUDA, TAKEHIRO	
	Examiner Paul Huber	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004 and 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 12-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>120903</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2653

Applicant's election without traverse of Group I, claims 1-11, in the reply filed on November 10, 2004 is acknowledged.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiyuuichi (JP-09120568).

Regarding claim 1, Shiyuuichi discloses an optical pickup apparatus enabling to read information of a plurality of recording mediums having different reading wavelengths from each other. See abstract and figure 5. Shiyuuichi discloses a light emission part 8 including a first light emission source 1 for emitting a first laser beam and a second light emission source 2 for emitting a second laser beam having a wavelength different from that of the first laser beam. The second light emission source 2 is integrally formed with the first light emission source 1 and placed adjacent to the first light emission source 1. The light emission part 8 is controlled to selectively emit the first or second laser beam as a laser beam. A grating 10b generates a pair of sub-beams from the laser beam. A hologram 10 generates first high-order beams 12b & 12e (13b & 13e) from the laser beam reflected by a recording medium and second high-order beams 12g-12j (13g-13j) from the pair of the sub-beams reflected by the recording medium. A light receiving part receives the first and second high-order beams to generate a reading signal, a focus error signal, and a tracking error signal.

Regarding claim 2, the focus error signal is generated by a beam size method, and the tracking error signal is generated by a three-beam method.

Regarding claim 3, the light receiving part comprises: a pair of three-division light receiving elements; and two pairs of sub-beam receiving elements. The pair of three-division light receiving elements receive the first high-order beams 12b & 12e (13b & 13e) to generate the reading signal and the focus error signal. The two pair of sub-beam light receiving elements are provided by one pair with respect to each of the three-division light receiving elements, and receive the second high-order beams 12g-12j (13g-13j) to generate the tracking error signal.

Regarding claim 4, each of the three-division light receiving elements is divided into three light receiving regions by two parallel division lines. Each pair of the sub-beam light receiving elements is aligned and placed in a direction perpendicular to the division lines of the three-division light receiving elements.

Art Unit: 2653

Regarding claim 5, the light emission part 8 is placed so that a straight line connecting light emission points 01 & 02 of the first and second light emission sources is parallel to the division lines of the three-division light receiving element.

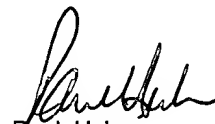
Regarding claim 6, the hologram 10 is placed so that a straight line connecting incident points of the first high-order beams 12b & 12e onto the light receiving part is parallel to the division lines of the three-division light receiving elements.

Regarding claim 7, the grating 10b is placed so that a straight line connecting the pair of sub-beams 12g & 12h (12i & 12j) is perpendicular to the division lines of the three-division light receiving elements.

Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to claims 1 & 2 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.


Paul Huber
Primary Examiner
Art Unit 2653

pwh
April 18, 2005